

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 18, 1998**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned),  
and C. Hon, Deputy Clerk.

Each of the following:

B116460 Louette v. Louette  
B116729 Long v. City of Los Angeles  
B118274 Lukaszewicz v. Orden

Argument waived, cause submitted.

B116184     Messner, Jr.  
                 v.  
                 S.C.L.A.  
                 Bank of America NT & SA, (rpi)

Merits:

Argued by Donald M. Fenmore for petitioners and by John A. Sturgeon for  
real party in interest and Stephen S. Mayne for Amicus Curiae California  
Bankers Association. Cause submitted.

B117375     Spina  
                 v.  
                 California Fair Plan Association

Merits:

Argued by James O. White for respondent and by no appearance for  
appellant. Respondent waives the presence of Presiding Justice Spencer.  
Cause submitted.

DIVISION ONE (Continued)

B123199 DCFS

v.

Sidney R.

Merits:

Argued by Judith A. German for respondent and by Kate Chandler for appellant. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B120179 Meehan

v.

Howard Leight Industries, et al.

Merits:

Argued by Bruce J. Altshuler for respondents and by no appearance for appellant. Cause submitted.

B121410 Tsui, et al.

v.

Chang

Merits:

Argued by Shun C. Chen for appellant and by John E. Douglass for respondents. Cause submitted.

B123604 Marie C.

v.

DCFS

Merits:

Argued by Marie C., appellant in propria person and by Stephanie Jo Farrell for respondent. Cause submitted.

B118540 Edward Turrentine Interior Design, Inc., et al.

v.

Angeles Arc Roofing Company, Inc.

Merits:

Argued by Peter T. Stavropoulos for appellant and by Omel A. Nieves for respondents. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B113096      Pedus Security Services, Inc.  
                 v.  
                 Guard Systems, Inc., et al.

Merits:

Argued by Peter L. Tripodes for appellants and by Mark W. Yocca for respondent. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B115666      Fong  
                 v.  
                 Anita Associates, et al.

Merits:

Argued by Ronald E. Hermanson for appellant and by Tina L. Gentile for respondents. Cause submitted.

B121281      Karapanos  
                 v.  
                 Bally Total Fitness Corporation, et al.

Merits:

Argued by Dale M. Fiola for appellant and by Robert S. Blumberg for respondents. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B099084      Blackmon  
                 v.  
                 Pomona Unified School District

Merits:

Argued by Robert Scott Shtofman for appellant and by John W. Allen for respondent. Cause submitted.

B120528      Marshall  
                 v.  
                 Board Of Education Of The Torrance Unified School District, et al.

Merits:

Argued by Manuel S. Klausner for appellant and by Richard R. Terzian for respondents. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B105823     Schmolder  
              v.  
              Babin

Merits:

Argued by Todd E. Lavin for appellant and by James J. McGarry for respondent. Cause submitted.

B107010     G. O. Management, Inc.  
              v.  
              Navistar International Transportation Corporation

Merits:

Argued by Ezra D. Rosenberg for appellant and by Douglas G. Benedon for respondent. Cause submitted.

Justice Vogel (Miriam A.) leaves the bench.

B113119     Power House Ford Engines, Inc., et al.  
              v.  
              Geometric Results, Inc.

Merits:

Argued by Alice A. Seebach for appellants and by William P. Barry for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B119221     Goodson  
              v.  
              Perfect Fit Enterprises, Inc.

Filed order modifying opinion. (No change in the judgment)

November 18, 1998-Continued

## DIVISION TWO (Continued)

[illegible]

### The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

[illegible]

The Court:

The disposition order is modified by striking therefrom the four-month enhancement periods imposed on counts 7 and 8 pursuant to Penal Code section 12022, subdivision (a) (1). The order of wardship is affirmed in all other respects.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION THREE

B120067      People                                  (Not for Publication)  
v.  
**Williams**

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

### DIVISION THREE (Continued)

B111930 People (Not for Publication)  
v.  
Saddler

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B118742 People v. Adams (Not for Publication)

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

## DIVISION FOUR

B119896      Kidwell                      (Not for Publication)  
v.  
Palmrose

The order removing appellant as Trustee and appointing Citizens Bank as successor Trustee is affirmed. The order surcharging appellant the sum of \$21,354.28 is reversed without prejudice to further proceedings. The remaining portion of the appeal is dismissed as premature, and the matter is remanded to the trial court. Each party is to assume her own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION FIVE

B117969      The People                          (Not for Publication)  
v.  
Alexander Nunez

The clerk is directed to modify the abstract of judgment to reflect a \$200 parole revocation fine under Penal Code section 1202.45 which shall be suspended unless appellant's eventual parole is revoked, a \$50 laboratory fee under Health and Safety Code section 11372.5, a \$50 state penalty assessment under Penal Code section 1464, a \$35 county penalty assessment under Government Code section 76000, and appellant's obligation to register in compliance with Health and Safety Code section 11590. As modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B120650      Donald Wager      (Certified for Publication)  
v.  
Samuel Mirzayance, et al.

Respondents to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

B118935      Hatzlacha, a California  
limited partnership  
v.  
Barbara S. Glander

(Not for Publication)

The judgment is reversed. The trial court is directed to accept the Receiver's final accounting as filed and to exonerate the bond. Receiver is awarded her costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

DIVISION FIVE (Continued)

B113910      Karen Kane, Inc.                      (Certified for Partial Publication)  
                 v.  
                 Bank of America National Trust, etc.

The judgment is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

B109259      People                                      (Not for Publication)  
                 v.  
                 Charles Arthur Knox

The trial court's nunc pro tunc order is vacated. The abstract of judgment is ordered corrected as follows: (1) the convictions for simple kidnapping in violation of section 207 and for false imprisonment are stricken; (2) the 8-year terms for counts 4, 5 and 12 are stricken; (3) a 25-year-to-life term is imposed for counts 4, 5 and 12 (the section 12022.3 weapon enhancement terms remain in effect); and (4) appellant's total sentence is 153 years to life in state prison.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

B120871      Charles Cryor                              (Not for Publication)  
                 v.  
                 Federal Express

The judgment is affirmed. Defendant, Federal Express, is to recover its costs on appeal from plaintiff, Charles Cryor.

Turner, P.J.

We concur:   Armstrong, J.  
                 Godoy Perez, J.



DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B125749      Stacy H.  
                  v.  
                  San Luis Obispo County Superior Court

Argument waived, cause submitted.

B111171      Job  
                  v.  
                  Wells Fargo Bank

Case dismissed, off calendar.

B113639      Topanga Association  
                  v.  
                  Calif. Coastal Commission

Continued to January, 1999 calendar.

B117285      Schwartz  
                  v.  
                  Black & Decker

Merits:

Argued by Michael J. Abbott for respondent and argument previously  
waived by appellant. Submitted.

B115491      Joyce  
                  v.  
                  Simi Valley Unified School District

Merits:

Argued by Ian Herzog for appellant and by Ellis J. Horvitz for respondent.  
Cause submitted.

DIVISION SIX (Continued)

B111703      Gatherings D'Elegance  
                 v.  
                 Roth

Merits:  
Argued by Paul R. Pearlson for appellant and by Michael P. Vicencia for  
respondent. Cause submitted.

B113791      Kardley  
                 v.  
                 State Farm Ins.

Merits:  
Argued by Albert F. Coombes for appellant and by Christina J. Imre for  
respondent. Cause submitted.

B115471      Marsoobian  
                 v.  
                 Highland

Merits:  
Argued by Steven M. Rubenstein for appellant and by Gregory T. Highnote  
for respondent. Cause submitted.

B114300      Martinez  
                 v.  
                 Vintage Petroleum

Merits:  
Argued by Earl Schurmer for appellant and by Neil S. Tardiff for  
respondent. Cause submitted.

Yegan, J. leaves the bench.

DIVISION SIX (Continued)

B109494     Troiani  
              v.  
              ARCO Marine, Inc.

Merits:  
Argued by David E.R. Woolley for appellant and by Howard D. Sacks for respondent. Cause submitted.

Yegan, J. resumes to the bench.

Stone, P.J., leaves the bench.

B113917     Holubar  
              v.  
              Svetinsky

Merits:  
Argued by Sanford M. Ehrmann for appellant and by Donald L. Scoggins for respondent. Cause submitted.

B112966     Atighi  
              v.  
              Green

Merits:  
Argued by Andy Atighi, appellant appearing in propria persona, and by Karen L. Grant for respondent. Cause submitted.

B111984     Atighi  
              v.  
              Wood

Merits:  
Argued by Andy Atighi, appellant appearing in propria persona, and by Paul B. Tyler for respondent. Cause submitted.

Court recessed at 12:00 p.m.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B118154     Wilson  
              v.  
              Began

Continued to November 19, 1998, calendar.

B117552     Harmon  
              v.  
              Springer

Appearances:

Argument previously waived by appellant and Lonnie B. Springer, Jr., respondent in propria persona appearing and waiving argument. Cause submitted.

B118842     McCarty  
              v.  
              First Nationwide Bank

Merits:

Argued by Maurice Rozner for appellant and by Steven J. Cote for respondent. In open court appellant's request to lodge missing exhibit no. 47 is granted and ordered lodged. Cause submitted.

B119844     Mosely  
              v.  
              Mosely

Merits:

Argued by George L. Wittenburg for appellant and by C. Richard Whiston for respondent. Cause submitted.

DIVISION SIX (Continued)

B118288     Caton  
              v.  
              McCullough

Merits:  
Argued by Mark T. Coffin for appellant and by Michael W. Seitz for respondent. Cause submitted.

B118009     Westburne Supply  
              v.  
              R.P. Richards

Merits:  
Argued by Kathleen K. Andrews for appellant and by Barry W. Lee for respondent. Cause submitted.

B119278     Gonzalez  
              v.  
              Hughes Aircraft

Merits:  
Argued by Paul F. Schimley for appellant and by Michael C. Martinez for respondent. Cause submitted.

Stone, P.J., leaves the bench.

B118667     Schlaepfer  
              v.  
              Roach

Merits:  
Argued by Gregory J. Ramierez for appellant and by Charles E. Slyngstad for respondent. Cause submitted.

Court recessed at 3:20 P.M.

DIVISION SIX (Continued)

Court reconvened at 3:40 P.M.

Present: Stone, P.J., Gilbert, J., Coffee, J., and G. Bents, Deputy Clerk.

B117588      Dawson  
                  v.  
                  Seedyke

Merits:

Argued by Gabriele Mezger-Lashly for appellant, by John A. Payne for respondent Northern, by Mary E. Schroeder for respondent Seedyke, by Daniel Kopman for respondent Buoymaster and by J. Andrew Heaton for respondent Ernst & Young. Cause submitted.

B116088      Marriage  
                  of  
                  Anweiler

Merits:

Argued by Larry Anweiler, appellant appearing in propria persona, and argument previously waived by respondent. Cause submitted.

B118724      Connick  
                  v.  
                  Santa Ynez River Water Conservation District

Merits:

Argued by Gregory S. Clark for appellant and by Jeffrey A. Dinkin for respondent. Cause submitted.

Court adjourned at 4 20 P.M.

## November 18, 1998-Continued

## DIVISION SIX (Continued)

B118047 Tucker (Not for Publication)

V.

Torch Operating Company

The judgment is affirmed. Costs are awarded to the respondent.

Gilbert, J.

We concur: Stone, P.J.

Coffee, J.

**\*\*ADD TO THE MINUTES OF OCTOBER 14, 1998, FOR DIVISION SIX\*\***

B114279      Favorite

V.

County of Los Angeles

Filed order granting petition for rehearing.

## DIVISION SEVEN

B114868 Presbyterian Intercommunity Hospital (Not for Publication)

V.

Department of Health Services

The judgment is modified to provide that Hospital is entitled under the contract during the fiscal year 1991 to either \$650 per day for delivery and obstetrical services, including well baby care, or \$800 per day for delivery and obstetrical services, including NICU care. In the case of admission of the baby to the NICU, the mother need not be concurrently admitted to the Hospital. As modified, the judgment issuing the writ of mandate is affirmed. Appellant is to bear costs on appeal.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

DIVISION SEVEN (Continued)

B107996 Brown  
B108066 v.  
Falkowski

Filed order consolidating above captioned appeals.

B103212      Bizakis      (Not for Publication)  
v.  
Haagen, III, et al.  
Zurich American Ins. Company

Judgment entered against Zurich is affirmed, and ISS' appeal is dismissed. Bizakis is awarded costs on appeal.

Boland, J. (Assigned)

We concur: Woods, Acting P.J.  
Neal, J.